

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NBC Studios, LLC, et al., } Case No. CV 12-4536-DMG (SHx)
Plaintiff(s), } SCHEDULING MEETING OF
v. } COUNSEL
Dish Network Corporation, et al., } [Fed. R. Civ. P. 16, 26(f)]
Defendant(s). } SCHEDULING CONFERENCE
set for September 28, 2012 at
11:00 a.m.
[Fed. R. Civ. P.16]

This case has been assigned to the calendar of United States District Judge Dolly M. Gee. The responsibility for the progress of litigation in the federal courts falls not only upon the attorneys in the action, but upon the court as well.

In order “to secure the just, speedy, and inexpensive determination of every action,” (Fed. R. Civ. P. 1), all counsel are hereby ordered to familiarize themselves with the Federal Rules of Civil Procedure and the Local Rules of the Central District of California.

1 A Scheduling Conference is set for the date and time set forth in the
2 caption.¹ Counsel shall meet at least twenty-one (21) days in advance of the
3 Scheduling Conference to prepare a jointly signed report for the court to be
4 submitted no less than fourteen (14) days before the Scheduling Conference. The
5 report is to contain the items set forth below. Pursuant to Fed. R. Civ. P. 16(c), the
6 parties shall be represented by counsel with authority to enter into stipulations
7 regarding all matters pertaining to conduct of the case.

8 The joint report to be submitted shall contain the items listed in Fed. R. Civ.
9 P. 26(f), the parties' recommendations and agreements, if any, about the final
10 scheduling order as listed in Fed. R. Civ. P. 16(b)(1) through (6), and those items
11 listed in Fed. R. Civ. P. 16(c) which counsel believe will be useful to discuss at the
12 Scheduling Conference. Items which must be addressed are the following:

- 13 (1) initial disclosures, preservation of
14 discoverable information, and a discovery
15 plan, including a listing and proposed
16 schedule of written discovery, depositions,
17 and a proposed discovery cut-off date;
- 18 (2) a listing and proposed schedule of law and
19 motion matters, and a proposed dispositive
20 motion cut-off date;
- 21 (3) a statement of what efforts have been made
22 to settle or resolve the case to date and what
23 settlement procedure is recommended
24 pursuant to Local Rule 16-15.4 (specifically
25 excluding any statement of the terms
26 discussed);
- 27 (4) an estimated length of trial and a proposed
28 date for the final pretrial conference and for
 trial;

24 ¹ Unless there is a likelihood that upon motion by a party the Court would order that any
25 or all discovery is premature, it is advisable for counsel to begin to conduct discovery actively
26 before the Scheduling Conference required by Fed. R. Civ. P. 16(b). At the very least, the
27 parties shall comply fully with the letter and spirit of Fed. R. Civ. P. 26(a) and thereby obtain
 and produce most of what would be produced in the early stage of discovery, because at the
 Scheduling Conference the Court will impose tight deadlines to complete discovery.

- (5) a discussion of other parties likely to be added;
 - (6) whether trial will be by jury or to the court;
 - (7) any other issues affecting the status or management of the case; and
 - (8) proposals regarding severance, bifurcation or other ordering of proof.

In addition, the Scheduling Conference Report shall contain the following:

- (1) a short synopsis of the principal issues in the case;
 - (2) a statement of whether pleadings are likely to be amended;
 - (3) a statement as to issues which any party believes may be determined by motion.

At the Scheduling Conference, the court will set a date for discovery cut-off,² a final date by which motions must be filed and served, a final pretrial conference date, and a trial date.

To facilitate the scheduling process, counsel shall **complete the Schedule of Pretrial and Trial Dates form attached as Exhibit A to this Order and attach it to the Joint Rule 26(f) Report.** The Court urges the parties to make every effort to agree upon joint dates and deadlines. The entries in the “Time Computation” column reflect what the Court believes are appropriate for most cases and will allow the Court to rule on potentially dispositive motions sufficiently in advance of the final pretrial conference. The form is designed to

² This is not the date by which discovery requests must be served; but the date by which all discovery is to be completed. Any motion challenging the adequacy of discovery responses must be filed timely, served and calendared sufficiently in advance of the discovery cut-off date to permit the responses to be obtained before that date, if the motion is granted. The Court requires compliance with Local Rule 37-1 and 37-2 in the preparation and filing of discovery motions. Except in the case of an extreme emergency which was not created by the lawyer bringing the motion, discovery motions may not be heard on an *ex parte* basis.

1 enable counsel to ask the Court to set different (earlier) last dates by which the key
2 requirements must be completed.

3 A continuance of the Scheduling Conference will be granted only for good
4 cause. **The failure to submit a joint report in advance of the Scheduling**
5 **Conference or the failure to attend the Scheduling Conference may result in**
6 **the dismissal of the action, striking the answer and entering a default, and/or**
7 **the imposition of sanctions.**

8 An alternative dispute resolution (ADR) procedure appropriate to the
9 particular case will be used in every civil action pursuant to Local Rule 16-15.1.
10 In the Scheduling Conference Report, counsel are to recommend a specific ADR
11 procedure provided for in Local Rule 16-15 which will be utilized in this case. See
12 L.R. 26-1(c). If counsel have received a Notice to Parties of Court-Directed ADR
13 Program (ADR-08), the case will be presumptively referred to the Court Mediation
14 Panel or to private mediation. *See* General Order 11-10, § 5.1. Nonetheless,
15 available alternatives for consideration, not to the exclusion of others, include:

- 16 (1) a settlement conference before the
17 magistrate or district judge assigned to this
case (Local Rule 16-15.4(1));
- 18 (2) appearance before an attorney selected from
19 the Attorney Settlement Officer Panel (Local
Rule 16-15.4(2));
- 20 (3) appearance before a retired judicial officer
21 or other private or non-profit dispute
resolution body for non-judicial settlement
or mediation proceedings (Local Rule 16-
22 15.4(3));
- 23 (4) such other settlement mechanism proposed
24 by the parties and approved by the court.

25 The report to the court as to the above items should be preceded by a
26 thorough and frank discussion among the attorneys for the parties. A Joint
27 Scheduling Report which does not comply with Fed. R. Civ. P. 16, 26(f), and this
28 Order may cause continuance of the Scheduling Conference and a possible award

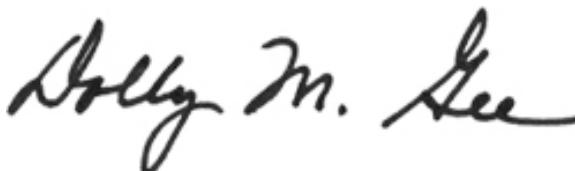
1 of sanctions under Rule 16(f) against the party or parties responsible. A
2 **conformed courtesy copy** of the Joint Report shall be delivered to the Courtroom
3 Deputy Clerk at the Clerk's Office, Room G-19, by **12:00 p.m. on the business**
4 **day following e-filing.**

5 Counsel for plaintiff shall immediately serve this Order on all parties,
6 including any new parties to the action.

7 The Court appreciates Counsel's anticipated cooperation and compliance
8 with this Order.

9
10 IT IS SO ORDERED.
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12 DATED: August 16, 2012
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DOLLY M. GEE
United States District Judge

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Judge Dolly M. Gee

SCHEDULE OF PRETRIAL & TRIAL DATES WORKSHEET

Case No. _____

Case
Name: _____

MATTER	JOINT REQUESTED DATE or PLNTF/DEFT REQUESTED DATE	TIME
TRIAL [] Court [] Jury Duration Estimate:		8:30 a.m. (Tuesday)
FINAL PRETRIAL CONFERENCE (“FPTC”) 4 wks before trial		2:00 p.m. (Tuesday)

MATTER	TIME COMPUTATION	JOINT REQUESTED DATE or PLNTF/DEFT REQUESTED DATE
Amended Pleadings and Addition of Parties Cut-Off (includes hearing of motions to amend)	90 days after scheduling conf	
Non-Expert Discovery Cut-Off (includes hearing of discovery motions)	at least 14 wks before FPTC	
Motion Cut-Off (filing deadline)	at least 13 wks before FPTC	
Initial Expert Disclosure & Report Deadline	at least 9 wks before FPTC	
Rebuttal Expert Disclosure & Report Deadline	at least 5 wks before FPTC	
Expert Discovery Cut-Off (includes hearing of discovery motions)	at least 3 wks before FPTC	
Settlement Conference Completion Date	at least 4 wks before FPTC	
Motions in Limine Filing Deadline	at least 3 wks before FPTC	
Opposition to Motion in Limine Filing Deadline	at least 2 wks before FPTC	
Other Dates: (e.g., class cert motion cut-off, early mediation, etc.)	at least 90 days after complaint served (unless longer time justified)	

EXHIBIT A